

LCR 5.
SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS

(b) (2) Service by Mail, Facsimile or Email.

(A) By Mail. See CR 5(b) (2) (A) and (B).

(B) By Facsimile. Service by facsimile shall be allowed only under the following conditions consistent with GR17:

(i) The party or attorney of record to whom service is delivered has a publicly available fax number or has given written consent to receive fax service to the sending party or attorney;

(ii) The attorney or party sending the document via fax shall retain the original signed document until 60 days after completion of the case. Documents to be transmitted by fax shall bear the notation: "SENT on (DATE) VIA FAX FOR FILING IN COURT."

(iii) Documents transmitted by fax shall be letter size (8-1/2 by 11 inches). Documents over 10 pages in length may not be served by fax without prior approval of the receiving party.

(iv) Any document transmitted by fax must be accompanied by a fax transmittal sheet in a form that includes the case number (if any), case caption, number of pages, the sender's name, and the senders voice and facsimile telephone numbers. Transmittal sheets are not considered legal filings.

(v) A document transmitted directly to the receiving party shall be deemed received at the time the receiving party's fax machine electronically registers the transmission of the first page, regardless of when final printing of the document occurs, except that a document received after the close of normal business hours shall be considered received the next judicial day. If a document is not completely transmitted, it will not be considered received. A document transmitted to another for filing with the clerk of the court will be deemed filed when presented to the clerk in the same manner as an original document.

(vi) [Rescinded effective September 2, 2014]

(vii) Facsimile Machine Not Required. Nothing in this rule shall require a party, an attorney or a Clerk of a court to have a facsimile machine.

(C) By Email. Parties (or attorneys of record) may serve opposing parties by email only if they have written consent from the receiving party. Working copies may be emailed to the court as follows:

(i) Any document (except original actions and personal restraint petitions) may be emailed as an attachment to an email message if:

(a) The body of the email message to which the document is attached is no more than 100 words and includes: case name, case number, name, phone number, bar number and email address of the person sending the document; and does not include prohibited ex parte communications.

(b) Any appendices attached to a brief, motion or pleading do not exceed a total of 25 pages.

(c) The attached document complies with the Civil Rules, except where these protocols provide otherwise.

(d) The attached document is subscribed with the name and bar number of the sender and the original signed document is retained in the sender's file.

(e) The Email must be properly addressed to the email address provided by the court administrator for each of the counties in the judicial district.

(f) The subject line must include "Working Copy for [Cause No.][Case Name] for Hearing on [Date of Hearing] before [Name of Judge]."

(g) The date and time the email was sent must be evident on the received email and show on any printout of that email.

(h) The email must also be sent as a courtesy copy to any other party that has an email address and has so requested by filing a Request for Email Copies in substantially the following form: "[Party Name] requests that all working copies emailed to the court under LCR5(b) (2) also be emailed to the above at the following email address: [Email Address]."

(ii) No signature is required on an attached document, if all protocols are followed.

(iii) The date and time the attachment to email is deemed received will be no sooner than the date and time of actual filing of the document's original with the Clerk.

(iv) The use of PDF format or Microsoft WORD is encouraged, but not required. If the conversion software used by the court is unable to convert a document, the party submitting the document will be notified to submit the document in written form.

(i) Documents Not to Be Filed. In addition to the discovery material specified in CR 5(i), photocopies of reported cases, statutes or texts shall not be filed as an appendix to a brief or otherwise, but may be furnished directly to the judge hearing the matter; provided, any items submitted to the judge shall be provided to opposing parties or counsel at the same time.

[Adopted September 1, 1991; amended effective September 1, 2004; rescinded effective September 2, 2014.]
